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CPA/GAU-1633

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/197,056
Filing Date	11/20/98
First Named Inventor	Russell, S.J.
Group Art Unit	1633
Examiner Name	Wilson, M.C.
Attorney Docket Number	4219/1360

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114
   - a. ☐ Previously submitted
     - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
     - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
     - iii. ☐ Other _____
   - b. ☒ Enclosed
     - i. ☒ Amendment/Reply **(under 37 C.F.R.s.1.116)**
     - ii. ☐ Affidavit(s)/Declaration(s)
     - iii. ☐ Information Disclosure Statement (IDS)
     - iv. ☐ Other _____

2. Miscellaneous
   - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
   - b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
   - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-0085 or deficiencies to
     - i. ☐ RCE fee required under 37 C.F.R. §1.17(e)
     - ii. ☐ Extension of time fee (37 C.F.R. §§1.136 and 1.17)
     - iii. ☐ Other _____
   - b. ☒ Check in the amount of $ 800.00 enclosed
   - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kathleen M. Williams, Ph.D	Registration No. (Attorney/Agent)	34,380
Signature		Date	10/3/00

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Kathleen M. Williams, Ph.D		
Signature		Date	10/3/00

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PATENT
Response under 37 CFR § 1.116
--EXPEDITED PROCEDURE--
Examining Group 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Russell, Alvarez-Vallina and Agha-Mohammadi
Serial No.:	09/197,056
Filed:	November 20, 1998
Entitled:	Improvements in or Relating to Expression of Immunogenic Substances

Examiner: M.C. Wilson

Group Art Unit: 1633

Attorney Docket No. : 4219/1360 (formerly 3789/77553)

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AFTER FINAL OFFICE ACTION

Sir:

Responsive to the Final Office Action mailed April 3, 2000 in the above-noted patent application, kindly consider the following proposed amendments and remarks.

In the Claims:

Please cancel claim 10 without prejudice.

Please amend the claims as follows:

1. (Twice Amended) A method of regulating [in a mammal] the expression of a recombinant nucleic acid sequence encoding a polypeptide which is immunogenic in the mammal; the method comprising introducing into the mammal a cell comprising [the] a vector comprising a nucleic acid [sequence] encoding [the immunogenic] a polypeptide, [said sequence being] operably linked to a [drug] tetracycline-regulatable promoter; and altering the concentration of [drug that regulates the drug-regulatable promoter] tetracycline or an analog thereof to which the cell is

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